

Prepared by and Return to:

Joseph T. Getz, Esq.
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100 Peabody Place, Ste. 1150
Memphis, TN 38103
(901) 525-8700

NOTICE OF LIEN CLAIM

TO: The Better Homes Company, LLC
c/o Eric L. Sappenfield
6858 Swinned Road, #5
Rutland Place
Southaven, MS 38671

The Better Homes Company
c/o Terry Fort Wengler
1197 Fall Springs Road
Collierville, TN 38017

First Capital Bank
c/o R. Kent Davis
7575 Poplar Avenue
Germantown, TN 38138

STATE OF TENNESSEE)
) ss.
COUNTY OF SHELBY)

Michael E. Feltus, after being duly sworn, deposes, states and gives notice as follows:

That he is the President of Marble Products, Inc. (hereinafter "Marble Products"), with its principal place of business located at 9410 Marbella Cove, Cordova, Tennessee 38018.

That Marble Products, as contractor, pursuant to Mississippi Code Annotated §§ 85-7-131, *et seq.*, claims, asserts and holds a mechanics' and materialmen's lien for construction labor, materials and supplies as hereinafter set out, rendered, furnished and delivered to The Better Homes Company, LLC ("Better Homes"), as owner of the real property and the beneficiary of the labor, materials and supplies furnished by Marble Products for the improvement of real property known as Lot 25, Creekside Subdivision, DeSoto County, Mississippi, and more particularly described as

follows:

Lot 25, Creekside Estates, situated in Section 21, Township 20 South, Range 6 West, DeSoto County, shown on plat of record in Plat Book 96, Page 26, in the office of the Chancery Clerk of DeSoto County, Mississippi, to which plat reference is hereby made for a more particular description of said property.

The construction labor, materials and supplies rendered, furnished and delivered to Better Homes, include without limitation, cultured marble, tile and various bathroom fixtures for use in the improvement of the property owned by Better Homes. Said construction materials were rendered, furnished and delivered to and for the benefit of Better Homes pursuant to a credit agreement dated June 9, 2005, and last provided on or about April 9, 2008. Said labor, materials and supplies were rendered, furnished and delivered for the purpose of improving the real property described hereinabove and owned by Better Homes.

All of the aforesaid construction labor, materials and supplies were furnished by Marble Products and were used in and about the improvement of the afore-described real property for the benefit of Better Homes. This Notice of Lien Claim has been filed within the time required according to the laws of the State of Mississippi, and the claimant will take all legal steps to enforce its lien as required by law.

The total amount justly due and owing for construction materials furnished to and delivered to the property, after allowing all just credits and deductions, is the sum of Two Thousand Eight Hundred Sixty Four Dollars and Fifty Five cents (\$2,864.55), all of which remains due and unpaid.

Now comes Marble Products and claims a lien upon the aforesaid real property, including the improvements, buildings and structures thereon in the amount of \$2,864.55, plus interest,

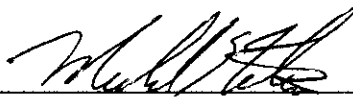
attorneys fees and recording fees for filing of this lien, according to the contract and the statute and laws providing mechanics' and materialmen's liens in this State.

MARBLE PRODUCTS, INC.

By: 
Michael E. Feltus

STATE OF TENNESSEE)
) ss.
COUNTY OF SHELBY)

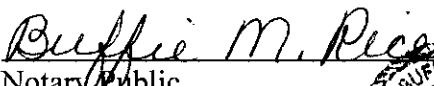
That the undersigned, Michael E. Feltus, being first duly sworn, states that he is the President of Marble Products, Inc., and that he is duly authorized to sign and that the foregoing statements of the Notice of Lien Claim are true and correct, and that the amount owed by Better Homes for the construction materials is \$2,864.55.

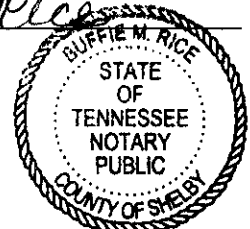

Michael E. Feltus

SWORN to and subscribed before me this the 19 day of September, 2008.

My Commission Expires:

02/01/2012


Notary Public



My Comm. Exp. 2-01-2012

STATE OF TENNESSEE)
) ss.
 COUNTY OF SHELBY)

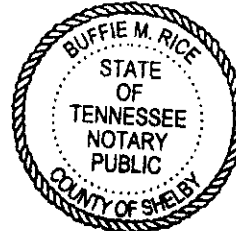
Before me appeared Michael E. Feltus, to me personally known, who, being duly sworn, does say that he is the President of Marble Products, Inc., and that the signing of the instrument is an act of the corporation and that the instrument was executed on behalf of the corporation, and that he acknowledges said instrument to be the free act and deed of said corporation.

WITNESS MY HAND AND SEAL at office this 19 day of September, 2008.

My Commission Expires:

02/01/2012

Buffie M. Rice
 Notary Public



My Comm. Exp. 2-01-2012

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